

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:06CV32-MU-02

STEVEN WAYNE BELL,           )  
    Plaintiff,                )  
                              )  
        v.                     )  
                              )  
BOYD BENNETT, Director of) North Carolina Prisons;) )  
THEODIS BECK, Secretary    ) of the North Carolina    )  
    of the North Carolina    ) Department of Correc-    )  
    Department of Correc-    ) tions;                    )  
WILLARD JOBE, Superinten- ) dent of Avery-Mitchell    )  
    dent of Avery-Mitchell    ) Correctional Institu-    )  
    Correctional Institu-    ) tion ("AMCI" hereafter) )  
K. TAYLOR, Correctional     ) Officer at AMCI; and     )  
P. TAYLOR, Lieutenant at    ) AMCI,                    )  
    AMCI,                    ) Defendants.                )  
\_\_\_\_\_)

O R D E R

THIS MATTER comes before the Court on the plaintiff's post-judgment "Motion & Memorandum Of Law In Support Of Civil Rights Action," filed June 8, 2006.

By the instant document, the plaintiff seeks to have the Court construe his previously dismissed Complaint against State officials/employees as a "Bivens action," instead of construing it as an action under 42 U.S.C. §1983. However, inasmuch as the action which the plaintiff essentially is seeking to amend already has been dismissed (due to his violation of 28 U.S.C. §1915(g), and he does not have any basis to proceed under Bivens

in any event, this Motion will be dismissed as moot.

**SO ORDERED.**

Signed: June 14, 2006

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

